

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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PHIL VAN BRUNT,

Plaintiff,

v.

STATE OF WISCONSIN and
UNITED STATES OF AMERICA,

Defendant.

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ORDER

09-cv-644-bbc

On October 29, 2009, I dismissed plaintiff Phil Van Brunt's case because the allegations of his complaint were legally frivolous. On November 5, 2009, I denied him leave to proceed on appeal in forma pauperis. Plaintiff appealed, and the court of appeals not only affirmed this court's ruling on his request for leave to proceed in forma pauperis on appeal, but it also summarily affirmed the court's October 29 final order. In addition, the court of appeals sanctioned plaintiff under Support Systems International, Inc. v. Mack, 45 F.3d 185, 186 (7th Cir. 1995). The court sanctioned plaintiff \$500 and ordered that all courts in the Seventh Circuit must return unfiled any papers submitted by plaintiff until he pays that amount.

Now plaintiff has submitted a motion seeking the court's permission to pay off his

\$455 appellate filing fee in installments. (This submission has been docketed despite the Mack order against plaintiff because it relates to his plan to pay off his debts to the court.) Normally, the court of appeals will not consider the substance of a party's appeal unless that party pays the full filing fee or is granted leave to proceed in forma pauperis. However, because the court of appeals has already considered plaintiff's appeal, his motion is moot insofar as he seeks to pay the fee in order to have his case heard. Nonetheless, because he owes this court the \$455 appellate filing fee (as well as the \$350 filing fee for the underlying case in this court), he is free to make those payments in installments. Accordingly, IT IS ORDERED that plaintiff's motion to pay the \$455 appellate filing fee in this case in installments, dkt. #15, is GRANTED.

Entered this 18th day of June, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge